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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 VAN HUA,

9 Plaintiff,

10 v.

11 BOEING CORPORATION, *et al.*,

12 Defendants.  
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No. C08-0010RSL

ORDER DENYING DEFENDANTS'  
MOTION IN LIMINE REGARDING  
TESTIMONY OF CO-WORKERS

14 This matter comes before the Court on “Defendants’ Motion in Limine to Exclude  
15 Improper Opinion Testimony from Co-Workers Regarding Treatment of Plaintiff.” Dkt. # 110.  
16 Despite the narrow title, defendants seek an order precluding plaintiff’s co-workers from  
17 (a) testifying regarding incidents of which they have no personal knowledge and (b) offering  
18 their opinions on whether plaintiff was treated fairly. Having reviewed the memoranda,  
19 declarations, and exhibits submitted by the parties,<sup>1</sup> the Court finds as follows:

20 Whether plaintiff can lay a proper foundation for the testimony of his co-workers  
21 at trial cannot be determined in the context of this motion. Pursuant to the Federal Rules of  
22 Evidence, plaintiff’s co-workers will be permitted to testify regarding any events or statements  
23 about which they have personal knowledge. Plaintiff’s out-of-court statements to his co-workers  
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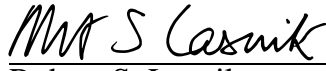
25 <sup>1</sup> The issues raised can be decided on the papers submitted. Defendants’ request for oral  
26 argument is therefore DENIED.

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1 may, depending on how and when they were made, fall within one of the recognized exceptions  
2 to the hearsay rule and be admissible through the co-worker. The witnesses will also be  
3 permitted to testify regarding lay opinions if they are derived from their observations and are  
4 helpful to a clear understanding of the witness' testimony or a fact in issue. Defendants'  
5 evidentiary objections are overruled without prejudice to their being raised again.  
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8 For all of the foregoing reasons, defendants' motion in limine regarding the  
9 testimony of plaintiff's co-workers is DENIED.

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11 DATED this 23rd day of November, 2009.

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14 Robert S. Lasnik  
United States District Judge  
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